

GENERAL NPDES PERMIT FOR
DISCHARGES OF STORM WATER RUNOFF AND PROCESS WASTEWATER
ASSOCIATED WITH

READY MIXED CONCRETE FACILITIES

PERMIT NO. TNG110000

Under authority of the Tennessee Water Quality Control Act of 1977 ([T.C.A. 69-3-101](#) et seq.) and the delegation of authority from the United States Environmental Protection Agency under the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 ([33 U.S.C. 1251](#), et seq.) and the [Water Quality Act of 1987, P.L. 100-4](#), except as provided in part I.D.5 (Discharges to Water Quality Impaired/Water Quality Limited Waters) of this general permit, operators of point source discharges of discharges of storm water runoff and process wastewater associated with ready mixed concrete facilities into waters of the State of Tennessee, are authorized to discharge storm water runoff and process wastewater associated with ready mixed concrete facilities in accordance with the following permit monitoring and reporting requirements, effluent limitations, and other provisions as set forth in parts I through XI herein, from the subject outfalls to waters of the State of Tennessee.

This permit is issued on: **November 15, 2002**

This permit is effective on: **December 1, 2002**

This permit expires on: **November 14, 2007**

Paul E. Davis, Director
Division of Water Pollution Control

**NPDES GENERAL PERMIT
FOR
DISCHARGES OF STORM WATER RUNOFF AND PROCESS WASTEWATER
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READY MIXED CONCRETE FACILITIES**

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RMCP NPDES GP
Introduction, Fees, Treatment System Plans and Specifications and Reporting Requirements

Introduction --

The following document is a State of Tennessee permit that authorizes owners/operators of ready mixed concrete plants to discharge and/or treat wastewaters as follows, provided the activities are in compliance with the terms of this permit:

- to discharge various process wastewaters into waters of the State;
- to discharge storm water runoff of plant property into waters of the State; and
- to operate recycle/reclaim systems.

This permit is a state-issued National Pollutant Discharge Elimination System (NPDES) general permit, with a permit number of TNG110000. Facilities covered under this permit will be assigned permit numbers in the sequence TNG110001, TNG110002, etc. A general permit is one designed to apply to a category of sources that involve the same or substantially similar operations, discharge the same types of wastes, and require the same or similar permit conditions and monitoring provisions. To obtain coverage under this permit, one must submit a Notice of Intent (NOI) to the division. Appendix A of this permit is the NOI. A summary of requirements and deadlines for NOI submittal to obtain coverage under this general permit is presented in the Table below:

Operator Status	Deadline for NOI submittal
Existing facility covered under previous RMCP GP	30 days following the effective date (December 1, 2002) of this general permit
Existing facility covered under an individual NPDES permit	At least 180 days before an expiration date of the individual NPDES permit
New Facility/Source	At least 30 days before any discharge and/or treatment of wastewater to the waters of the state occurs
New Operator	At least 5 days prior to the change of operator
Maintaining coverage under this RMCP GP upon permit expiration	The permittees may maintain coverage under the expired RMCP GP (until a new general permit is issued) by re-submitting the completed NOI prior to the expiration date (November 14, 2007) of this general permit

In order to get more information regarding the Division of Water Pollution's (the division) permitting program, please visit our web site located at: <http://www.state.tn.us/environment/permits/index.html>. At our web site, you will be able to download general and specific permit requirements, permit forms, public notices, find question and answer documents, links to other relevant web sites, etc. The [Glossary of Terms](#) can be found in TDEC's [Environmental Permitting Handbook](#). You can contact us by sending an E-mail by selecting "Water Pollution Control" from the pull-down menu at the [TDEC's comment web page](#). If you do not have access to the Internet, please contact the division at 1-888-891-8332 (TDEC).

RMCP NPDES GP
Introduction, Fees, Treatment System Plans and Specifications and Reporting Requirements

Fees --

The fees shall be as specified in the Rules of Tennessee Department of Environment and Conservation, Division of Water Pollution Control, Water Quality Control Board, [Chapter 1200-4-11 – Environmental Protection Fund Fees](#). The division will invoice the permittee for the annual permit fee. At the time of this general permit issuance, the following fees were in effect:

Permit Application Fee: None

Annual Permit Fee: \$ 250.00

Treatment system plans and specifications --

This permit sets forth effluent limits on discharges of process wastewater. If the operator of a concrete plant will be installing or upgrading a wastewater treatment system to meet the limits, then plans and specifications for construction of such facility have to be submitted to the division for approval.

Plans (on 24" by 36" sheets) should be submitted to the division's Nashville Central Office (NCO) and appropriate Environmental Assistance Center at least 90 days before any discharge of process wastewater or storm water runoff to the waters of the state occurs. The plans shall be submitted to the address shown in the list (see I.C below: List of the Division's EACs with Addresses and Phone Numbers) for the division's Environmental Assistance Center responsible for the county where the facility is located. One should submit plans as noted below.

EAC Name	Submit plans and fee as follows	
Chattanooga	Four sets to the EAC-Chattanooga	One set to NCO* plus \$250
Columbia	One set to the EAC-Columbia	Four sets to NCO plus \$250
Cookeville	One set to the EAC-Cookeville	Four sets to NCO plus \$250
Jackson	One set to the EAC-Jackson	Four sets to NCO plus \$250
Johnson City	Four sets to the EAC-Johnson City	One set to NCO plus \$250
Knoxville	One set to the EAC-Knoxville	Four sets to NCO plus \$250
Memphis	Four sets to the EAC-Memphis	One set to NCO plus \$250
Nashville	Four sets to the EAC-Nashville	One set to NCO plus \$250

*NCO – [Nashville Central Office](#)

Reporting requirements of this permit --

A facility covered under this general permit is subject to several reporting requirements. The main three are listed and described briefly below.

- Monthly Discharge Monitoring Report (DMR)

This is a monthly report for *process wastewater* (e.g. truck washwater, mixing drum washout). They are due on the fifteenth of the month for the previous month's results.

RMCP NPDES GP

Introduction, Fees, Treatment System Plans and Specifications and Reporting Requirements

The division will send report forms to permittees in six-month batches. The first batch will be sent a few weeks after a facility becomes covered under the general permit.

- Yearly Discharge Monitoring Report (DMR)

This is a yearly report for *storm water* discharges. The first report will be due one year after a facility becomes covered under the general permit.

The division will send report forms to permittees once per year. The particular form is the same form that is used for the process wastewater. The pre-typed information on the form, however, will indicate a one year monitoring period, instead of a one-month period, and will list the storm water monitoring parameters (COD, TSS, Total Recoverable Iron and pH) instead of the process wastewater parameters. The pre-typed form will also describe the outfall as a stormwater outfall.

- Written Permission for Remote Washout Sites

A remote washout site is a washout site other than the plant site itself and other than an active job site. The remote washout site(s) must be documented on a facility's NOI, or by later written notice to the division for sites selected after the NOI is submitted.

If blank DMR forms are not available, this does not relieve the permittee of its responsibility to submit monthly reporting results within the required time. The permittee should contact the Nashville Central Office to resolve any DMR printing errors or omissions.

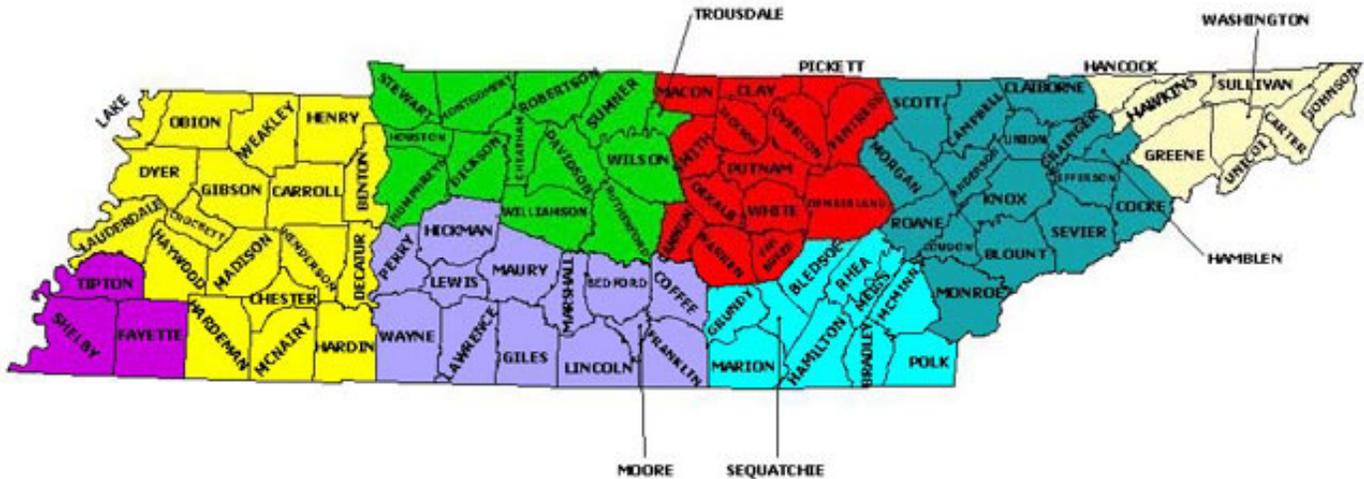
I. COVERAGE UNDER THIS GENERAL PERMIT

A. Permit Area

The permit is being issued for the entire State of Tennessee.

B. List and Map of the Division’s Environmental Assistance Centers (EACs) and Corresponding Counties

<u>EAC Name</u>	List of Counties
<u>Chattanooga</u>	Bledsoe, Bradley, Grundy, Hamilton, Marion, McMinn, Meigs, Polk, Rhea, Sequatchie
<u>Columbia</u>	Bedford, Coffee, Franklin, Giles, Hickman, Lawrence, Lewis, Lincoln, Marshall, Maury, Moore, Perry, Wayne
<u>Cookeville</u>	Cannon, Clay, Cumberland, De Kalb, Fentress, Jackson, Macon, Overton, Pickett, Putnam, Smith, Van Buren, Warren, White
<u>Jackson</u>	Benton, Carroll, Chester, Crockett, Decatur, Dyer, Gibson, Hardeman, Hardin, Haywood, Henderson, Henry, Lake, Lauderdale, Madison, McNairy, Obion, Weakley
<u>Johnson City</u>	Carter, Greene, Hancock, Hawkins, Johnson, Sullivan, Unicoi, Washington
<u>Knoxville</u>	Anderson, Blount, Campbell, Claiborne, Cocke, Grainger, Hamblen, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Scott, Sevier, Union
<u>Memphis</u>	Fayette, Shelby, Tipton
<u>Nashville</u>	Cheatham, Davidson, Dickson, Houston, Humphreys, Montgomery, Robertson, Rutherford, Stewart, Sumner, Trousdale, Williamson, Wilson



C. List of the Division’s EACs with Addresses and Phone Numbers

EAC NAME	Address	City	Zip	Area Code	Phone Number
Chattanooga	540 McCallie Avenue, Suite 550	Chattanooga	37402-2013	423	634-5745
Columbia	2484 Park Plus Drive	Columbia	38401-5300	931	380-3371
Cookeville	1221 South Willow Avenue	Cookeville	38506-5300	931	432-4015
Jackson	362 Carriage House Drive	Jackson	38305-2222	731	512-1300
Johnson City	2305 Silverdale Road	Johnson City	37601-2162	423	854-5400
Knoxville	2700 Middlebrook Pike, Suite 220	Knoxville	37921-5300	865	594-6035
Memphis	2510 Mt. Moriah Road, Suite E-645	Memphis	38115-1520	901	368-7939
Nashville	711 R.S. Gass Boulevard	Nashville	37243-1550	615	687-7000
Nashville Central Office	6 th Floor, L&C Annex 401 Church Street	Nashville	37243-1534	615	532-0625

All Environmental Assistance Centers (EACs) may be reached by telephone at the toll-free number 1-888-891-8332 (TDEC).

D. Eligibility

1. Discharges Covered

This permit addresses any new or existing discharges of process wastewater, and/or any new or existing discharges of storm water runoff associated with the operations of ready mixed concrete facilities to waters of the State of Tennessee or to a municipal separate storm sewer located in the State of Tennessee.

This permit also allows the operation of non-discharging treatment systems (e.g. reclaim/recycle systems), under conditions defined in Paragraph I.D.3 below: Non-Discharging Treatment Systems Operations.

This permit also prohibits washout of concrete trucks into waters of the state, which would be a violation of state law. The discharge of washout of concrete trucks is regulated under conditions set forth in Paragraph I.D.4 below: Truck washout at remote sites and at job sites.

The division may allow coverage under this permit for discharges of process wastewater and/or storm water from industrial operations similar to ready mixed concrete facilities; that is, operations that use or store sand, gravel and cement as the primary raw materials. Examples are facilities with SIC codes of 3271 (Concrete Block and Brick) and 3272 (Concrete Products other than Block and Brick). This permit serves as a [National Pollutant Discharge Elimination System](#) (NPDES) general permit and is issued to be effective for a term of five years.

2. Limitations on Coverage

This permit does not apply to the following:

- (a) storm water discharges that are regulated by existing individual NPDES permits;
- (b) storm water discharges for which the division has received an individual NPDES permit application;
- (c) storm water discharges presently regulated by an existing NPDES permit, which would receive effluent limitations, standards or conditions under this general permit that are less stringent than those under the existing permit, with exceptions as allowed at [40 CFR 122.44\(l\)](#);
- (d) storm water discharges for which storm water effluent limitations guidelines have been promulgated by EPA;
- (e) storm water discharges for which the director determines that requirements of this permit do not meet provisions of [Section 301](#) and [402](#) of the Federal Water Pollution Control Act (BPT, BAT and BCT requirements);
- (e) storm water or process wastewater discharges that the director determines are contributing or may reasonably be expected to be contributing to a violation of a water quality standard, or to any person who discharges in violation of the [Tennessee Water Quality Control Act](#), or the regulations promulgated thereunder and
- (f) discharges into waters that are designated by the Water Quality Control Board as Outstanding National Resource Waters (ONRWs) or that are identified by the Department of Environment and Conservation (TDEC) as high quality waters. Designation of ONRWs and identification of other high quality waters are made according to [TDEC Rule 1200-4-3-.06](#).

3. Non-Discharging Treatment Systems Operations

This permit allows the operation of non-discharging process wastewater treatment systems at ready mixed concrete facilities. Only permittees operating non-discharging treatment systems in accordance with approved plans and specifications, this permit and the applicable requirements of [T.C.A. § 69-3-108](#) are subject to the following operational conditions and requirements:

- (a) The operation should be such that there is no discharge of process wastewater, or mixed process and storm water, to any surface or subsurface stream, watercourse, or drainage ditch.
- (b) Should any discharge of wastewater occur from the non-discharging treatment system to the waters of the State, such discharge is subject to the process wastewater requirements and regulations, as presented in paragraphs (IV), (V), and (VI) of this permit. Any discharge that does not meet all the terms and conditions of (IV), (V), and (VI) of this permit is a violation of this permit and the Act.

- (c) Any treatment system must be operated in a manner which prevents the creation of a public health hazard.
- (d) Treatment and reclaim/recycle system(s) must be constructed, maintained, and operated in accordance with plans and specifications approved by the Division of Water Pollution Control and in accordance with this Permit as promulgated pursuant to the Act. The system(s) must be operated and maintained in a fashion which will insure that the system(s) do not cause any violations of the conditions or requirements of this permit rule or the Act.
- (e) A freeboard sufficient to prevent overflow discharges resulting from a two hour, ten year rain event must be maintained around sediment ponds. The freeboard must be measured and recorded on a weekly basis. All rainfall events of the preceding seven days must be measured and recorded on a weekly basis. A copy of the record of these measurements shall be submitted to the division within fifteen days of a request.
- (f) The permittee must have a back-up pump available to address any mechanical problem with the primary pump. This condition applies where proper operation of the recycle system requires a pump.
- (g) Sludge or any other material removed by the treatment works must be disposed of in a manner which prevents its entrance into or pollution of any surface or subsurface waters, and in accordance with the Act and regulations. Additionally, the disposal of such sludge or other material must be in compliance with the Tennessee Solid Waste Disposal Act, [T.C.A. 68-31-101](#) et seq. and the Tennessee Hazardous Waste Management Act, [T.C.A. 68-46-101](#) et seq.
- (h) Any discharge of wastewater from the non-discharging treatment system, (such as resulting from excessive rainfall, equipment failure, etc.), must be reported by telephone to the division's Environmental Assistance Center responsible for the county where the site is located (see I.C above: List of the Division's EACs with Addresses and Phone Numbers). The permittee must submit a written notice which details the cause, approximate volume, and constituents of the discharge, to the division within five days of the discharge.
- (i) The permittee shall not add waste loads to the system(s) from sources other than operations of its own concrete plant, without approval by the division.

4. Truck washout at remote sites and at job sites

- (a) Conditions of truck washout

Truck washout residue must be used as a fill material and it must meet the following conditions. Water from the washout fill material must not reach waters of the state, either surface or ground waters. No washout material may be placed in a sink hole or its drainage basin. No washout material may be placed on public property, along roadsides, in roadside ditches, on stream banks, or into streams or other waters of the state.

(b) Written permission necessary for remote sites

1. A remote washout site is a washout site other than the plant site itself and other than an active job site.

2. Washout of ready-mixed concrete trucks at remote sites is covered by this permit subject to the following conditions:

- (i) the permittee must identify the location of the proposed sites on the Notice of Intent (NOI), or by later written notice to the division for sites selected after the NOI is submitted;
- (ii) the remote washout site must be on privately owned property;
- (iii) the permittee must obtain written permission to use the remote washout site from the property owner;
- (iv) the permittee must have written approval from the Division of Water Pollution Control that the site is acceptable as a washout site; in the case of sites listed on the permittee's NOI, this permission is granted upon transmittal of the notice of coverage (NOC) to the facility; for sites identified after the NOI is submitted, the division will approve the site by letter; and
- (v) The permittee must retain copies of these written permissions at the plant site for review by the division upon request.

(c) Inspections of remote washout sites

The permittee must ensure, as a part of the annual storm water pollution prevention plan review and update (see part VII(e) of this permit) that remote washout sites are in compliance with the conditions of this section (I.D.4).

5. Discharges to Water Quality Impaired/Water Quality Limited Waters

(a) This part of the permit applies to all existing or proposed discharges into Water Quality Impaired/Water Quality Limited Waters ([Impaired Waters](#)). Impaired waters means any segment of surface waters that has been identified by the division as failing to support classified uses. Pollutants of concern associated with discharges of process wastewater, and/or storm water runoff associated with the operations of ready mixed concrete facilities are listed in part IV below: Effluent Limits. To obtain authorization under this permit, discharges into receiving streams impaired by pollutants of concern must satisfy special conditions described in this part. These special conditions also apply to discharges upstream of impaired waters, which, because of the proximity to the impaired segment and the nature of the discharge, are likely to contribute pollutants for which the receiving water is impaired in amounts that are measurable in the impaired segment. The owner or operator must satisfy the following conditions to be eligible to obtain and maintain coverage under this permit:

(i) Before a Total Maximum Daily Load (TMDL)

Existing Discharges. These are discharges other than expanded dischargers from facilities that were in existence on November 24, 2001 (expiration date of the previous RMCP general permit). It is one of

the purposes of this general permit not to authorize the discharge of pollutants in such a manner as to cause or contribute to a violation of any water quality standards. Therefore, if a [Total Maximum Daily Load \(TMDL\)](#) has not been developed at the time of filing of the Notice of Intent (NOI), in order to obtain coverage under this permit the owner or operator must certify that the wastewater and storm water runoff treatment methods and control measures selected for the facility are the most appropriate for the reduction of pollutants at the facility and that these treatment methods and control measures are designed, and will be implemented to effectively minimize contributions of pollutants of concern. A failure to implement treatment methods and control measures so as to minimize contributions of those pollutants is a violation of this permit.

New or Expanded Discharges. New discharges are ones from facilities that were not in existence on November 24, 2001. Expanded discharges are ones from sites that since November 24, 2001, have increased loading of a pollutant of concern from the facility. Permit coverage for new or expanded discharges of a pollutant of concern is not available under this permit, and the owner or operator must seek coverage under a separate (individual) permit.

(ii) After a Total Maximum Daily Load (TMDL)

If a [Total Maximum Daily Load \(TMDL\)](#) has been developed and approved for the receiving water body, where the discharge is new, expanded or existing, discharges from the facility must be consistent with the applicable provisions of the TMDL. In the situation where the limitations of this permit allow discharge of pollutants of concern in excess of the wasteload allocation (WLA) specified in the TMDL, then the permittee cannot remain authorized under this general permit.

(b) Issuance of a Notice of Coverage (NOC) under this general permit will constitute confirmation of the division's finding that the discharges authorized by this general permit are either:

- not into the water quality impaired waters; or
- the nature of the discharge is not likely to contribute pollutants of concern, for which the receiving water is impaired, in amounts measurable in the impaired segment.

(c) If the division determines at any time that the discharge is causing or contributing to a violation of water quality standards or if the division has any other grounds for modifying or revoking this permit, the division may require corrective action or require the discharge be permitted differently in accordance with part VIII.H (Requiring an Individual Permit, an Alternative General Permit, or Other Corrective Action).

6. Threatened and Endangered Species Protection

a). Issuance of a Notice of Coverage (NOC) under this permit will constitute confirmation of the division's finding that, with properly developed and implemented wastewater and storm water runoff treatment methods and control measures selected for the pollutants of concern, the discharges authorized hereunder are not likely to result in the taking of threatened and endangered species.

b). Should the division later determine that the discharges covered by this permit would result in the taking of threatened or endangered species, or are otherwise not in compliance with the [Endangered Species Act](#), the director, after written notification to the permittee, shall either:

(1) Notify the permittee that it is no longer eligible for coverage under this permit and require coverage under an individual NPDES permit. The permittee will continue to be covered under this permit until the division issues an individual NPDES permit for its storm water discharges associated with industrial activity, provided a timely application for an individual permit is made. A timely application is defined as submitting to the division a complete individual storm water permit application, including sampling, within 90 days of the notice from the director requiring the application. A permittee may request a later date for the timely submission of an individual storm water permit application for just cause; or

(2) Notify the permittee that it must modify its wastewater and storm water runoff treatment methods and control measures selected for the pollutants of concern. As a consequence, the discharges authorized by this permit will not result in the taking of threatened and endangered species and otherwise be in compliance with the Endangered Species Act. The permittee shall have 60 days after such notice to make such modifications to the wastewater and storm water runoff treatment methods and control measures, and then 12 weeks to implement these modifications, unless a longer time is necessary for their implementation. Should a longer time be required, the permittee shall submit to the division's local Environmental Assistance Center (see I.C above: List of the Division's EACs with Addresses and Phone Numbers) a brief summary of the proposed modifications of wastewater and storm water runoff treatment methods and control measures, including a timetable for implementation.

7. Permit Eligibility Regarding Protection of Water Quality Standards and Compliance with State Anti-Degradation Requirements

Pursuant to the Rules of the Tennessee Department of Environment and Conservation (TDEC), [Chapter 1200-4-3-.06](#), titled "Tennessee Antidegradation Statement," and in consideration of TDEC's directive in attaining the greatest degree of effluent reduction achievable in municipal, industrial, and other wastes, the permittee shall further be required, pursuant to the terms and conditions of this permit, to comply with any applicable Waste Load Allocations (WLA), effluent limitations and schedules of compliance, required to implement applicable water quality standards, to comply with a state water quality plan or other state or federal laws or regulations, or where practicable, to comply with a standard permitting no discharge of pollutants.

II. AUTHORIZATION TO DISCHARGE UNDER THIS PERMIT

Except as provided in subparagraph I.D.2 above (Limitations on Coverage), if the Notice of Intent is submitted as set forth in Paragraph III below (Notice of Intent (NOI) requirements), a facility is permitted to discharge storm water runoff and process wastewater associated with the operation of ready mixed concrete facilities to the waters of the State of Tennessee in accordance with the terms of this permit and of [T.C.A. § 69-3-108\(b\)](#). Any such discharges not permitted under this permit or by an individual permit are unlawful under [T.C.A. § 69-3-108\(b\)](#). The division may grant or deny coverage under this permit or require an application for an individual permit. Upon notice from the division to the applicant, the applicant is covered under this general permit. General permits may be issued, modified, revoked, reissued or terminated in accordance with this permit and the applicable requirements of [T.C.A. § 69-3-108](#).

III. NOTICE OF INTENT (NOI) REQUIREMENTS

A. Deadlines

1. Existing Facility

An operator of an existing facility presently permitted under a general permit shall submit an NOI in accordance with the requirements of this part not more than 30 days following the effective date (December 1, 2002) of this permit. For an existing facility presently permitted under an individual NPDES permit, an NOI shall be submitted at least 180 days before the individual permit expires.

2. New Facility

An operator of a new source shall submit an NOI in accordance with the requirements of this part at least 30 days before any discharge of process wastewater or storm water runoff to the waters of the state occurs.

3. New Operator

Where the operator of a facility that is covered by this permit changes, the new operator of the facility must submit an NOI in accordance with the requirements of this part at least 5 days prior to the change. If the sale or transfer of ownership does not constitute a change of operator, and the signatory requirements for the NOI are still complied with, a new NOI does not have to be submitted.

B. Signatory Requirements for the NOI

The NOI must be signed according to signatory requirements of Paragraph VIII.G below (Signatory Requirements for a Notice of Intent) of this permit. The NOI must bear an original signature.

C. Content of the NOI

(a) NOI form is provided in Appendix A of this permit. The following information must be included in an NOI:

The legal and official name of the permittee, the address or description of location of the ready mixed concrete facility, the name of county the facility is located, and facility latitude and longitude;

The name of the person, firm, organization, or other entity which owns and/or operates the subject facility. The name, title or position, mailing address and E-mail of an official contact person, as well as the facility contact person (i.e. local contact, if applicable) and an indication of the mailing address where correspondence should be sent;

A copy of the U.S.G.S. topographical map, a city map, or a county map, identifying the location of the facility and the surface waters receiving the discharge; the site map must show boundaries which extend at least a one mile radius beyond the site of the property;

Number and identification of process wastewater, and/or storm water runoff discharge outfalls at the facility; for each outfall, names and stream miles or location(s) of the receiving stream(s) and/or lake(s);

A description of the wastewater treatment process, and the design capacity of the treatment/recycle system;

A list of locations, other than the plant site itself or an active job site, known as sites where the permittee's concrete trucks are washed out, and whether or not written permission to use the site has been obtained from the property owner; and

Any additional information the division may require.

(b) If the NOI is being submitted due to a change of the operator, or to update information for a facility which is currently covered under this permit (such as a facility name, change of a contact person, new E-mail address, etc.), the former operator's permit tracking number should be provided.

D. Where to Submit

NOIs shall be submitted using the form (or a copy thereof) provided in Appendix A of this permit. NOIs are to be submitted to the division at the following address:

**RMCP NOI Processing
Tennessee Division of Water Pollution Control
6th Floor L & C Annex
401 Church Street
Nashville, TN 37243-1534**

E. Electronic Submission of NOIs

If the division notifies dischargers (directly by mail or E-mail, by public notice, or by making information available on the Internet) of other NOI form options that become available at a later date (e.g., electronic submission of forms), the operators may take advantage of those options to satisfy the NOI notification requirements.

F. Administrative Procedure for Obtaining Notice of Coverage (NOC)

(a) The division will review each Notice of Intent (NOI) for completeness and accuracy. Except as provided in subparagraph I.D.2 above (Limitations on Coverage), a complete and accurate NOI shall be processed as described in subparagraph (b) below.

(b) Within 30 days of receipt of a complete and accurate NOI, the division will transmit to the permittee a notice of coverage (NOC) under this permit, which shall specify the effective dates of coverage under the permit. The term of coverage shall end not later than the expiration date of this general permit. If the division has not been able to transmit an NOC to a permittee within 30 days of receipt of the NOI, discharges are authorized under this permit if the NOI has been assigned a valid NPDES general permit tracking number and the permittee has been informed of this tracking number.

(c) If the division determines the submitted NOI is incomplete, or denies an applicant coverage under this general permit, the division shall notify the applicant of this determination.

G. Schedule of Compliance

Full compliance and operational levels shall be attained from the effective date of this permit.

IV. EFFLUENT LIMITS

1. Numeric Effluent Limitations for Process Wastewater

Discharges of process wastewater covered by this permit must comply with the following numerical effluent limits:

Parameter	Effluent Limitation
Total Suspended Solids (TSS)	50.0 mg/L as a daily maximum concentration
pH	6.5 - 9.0 (range)

2. Narrative Limitations for Process Wastewater and Storm Water Discharges

- (a) There shall be no distinctly visible floating scum, oil or other matter contained on or in the wastewater or storm water runoff discharge.
- (b) The wastewater and storm water runoff discharge must result in no other materials in concentrations sufficient to be hazardous or otherwise detrimental to humans, livestock, wildlife, plant life, or fish and aquatic life in the receiving stream.
- (c) Sludge or any other material removed by any treatment works must be disposed of in a manner which prevents its entrance into or pollution of any surface or subsurface waters. Additionally, the disposal of such sludge or other material must be in compliance with the Tennessee Solid Waste Disposal Act, [T.C.A. § 68-31-101](#) et seq. and the Tennessee Hazardous Waste Management Act, [T.C.A. § 68-46-101](#) et seq.
- (d) The wastewater and storm water runoff discharge must not cause an objectionable color contrast in the receiving stream.
- (e) The permittee shall use best management practices (BMPs) and good engineering practices to prevent contamination of the wastewater and storm water runoff discharge from materials associated with activities at ready mixed concrete plants.

V. MONITORING

1. Process Wastewater Monitoring Procedures

(a) The permittee must monitor the treated wastewater for the parameters set forth in part IV above (Effluent Limits) of this permit. The monitoring frequency for these parameters shall be once per month. Monitoring process wastewater shall be performed in dry weather; i.e., when storm water contributes little or no volume to the monitored discharge.

(b) For reporting purposes, the flow value reported shall be the total volume discharged in a one day period in units of million gallons per day (MGD). The permittee may estimate the flow rate, through the use of recognized conventional flow equations; for example, volumetric or Manning equations. The method used to determine flow shall be entered onto the [Discharge Monitoring Report \(DMR\)](#) form as a note in the comment field.

(c) Sample types shall be as follows, with the exception of subparagraph (d):

Parameter	Sample Type
Flow	Totalized/Estimate
Total Suspended Solids (TSS)	Grab
pH	Grab

(d) If the division determines that a discharge will not accurately be characterized by grab samples, the division may require the permittee to sample by composite sample. This requirement shall be given by a written notice to the permittee.

(e) Monitoring at facilities shall be required only during monitoring periods in which a discharge occurs. The permittee shall enter "No Discharge" onto the DMR form for monitoring periods in which no discharge occurs.

(f) The division may require the permittee to sample for additional parameters, by either grab or composite sample.

2. Storm Water Monitoring Procedures

(a) The frequency of monitoring shall be once per year for all parameters. The year shall begin on the same date as the permittee's term of coverage under the permit begins. For the term of coverage see subparagraph III.F above: Administrative Procedure for Obtaining Notice of Coverage (NOC). Permittees shall collect a sample of storm water runoff and run the appropriate tests for the following parameters:

Parameter	Cut-Off Concentration
Chemical Oxygen Demand (COD)	120 mg/L
Total Suspended Solids (TSS)	200 mg/L
pH	5.0 – 9.0 (range)
Total Recoverable Iron	10 mg/L

(b) A minimum of one grab sample shall be taken. The grab sample shall be taken during the first 30 minutes of the discharge. If the collection of a grab sample during the first 30 minutes is impracticable, a grab sample can be taken during the first hour of the discharge, and the discharger shall submit with the monitoring report a description of why a grab sample during the first 30 minutes was impracticable. If storm water discharges associated with industrial activity commingle with process or nonprocess water, then where practicable permittees must attempt to sample the storm water discharge before it mixes with the non-storm water discharge.

(c) The following information shall be collected for the storm events monitored for inclusion in the monitoring report to be submitted to the division:

- (i) the date, weather temperature, duration (in hours), starting and ending times, and magnitude (in inches) of the storm event sampled; and
- (ii) the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event.

(d) The permittee shall evaluate the results obtained from sampling and monitoring following the required annual sampling events to determine whether the facility is below, meets, or exceeds the monitoring cut-off concentrations as shown in the table above. If the results of annual storm water runoff monitoring demonstrate that the facility has exceeded the cut-off concentration(s), the permittee must inform the Division's local Environmental Assistance Center (see I.C above: List of the Division's EACs with Addresses and Phone Numbers) in writing within 30 days from the time storm water monitoring results were received, describing the likely cause of the exceedance(s). Furthermore, within 60 days from the time SW monitoring results were received, the facility must:

- review its storm water pollution prevention plan, make any modifications or additions to the plan which would assist in reducing specific effluent concentrations which are equal to less than cut-off concentrations for that facility, and
- submit to the division's local EAC a brief summary of the proposed SWPPP modifications (including a timetable for implementation).

(d) Samples shall be collected from the representative storm event. Representative storm event is a discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The required 72-hour storm event interval is waived where the preceding measurable storm event did not result in a measurable discharge from the facility. The required 72-hour storm event interval may also be waived where the permittee documents that less than a 72-hour interval is representative for local storm events during the season when sampling is being conducted. Runoff events resulting from snow or ice melt can not be used to meet the minimum yearly monitoring requirement.

VI. REPORTING

A. Monitoring Results

1. Process Wastewater Reporting Procedures

Monitoring results of process wastewater monitoring shall be recorded monthly and submitted monthly using [Discharge Monitoring Report \(DMR\)](#) forms supplied by the division. DMRs shall be postmarked no later than 15 days after the completion of the reporting period. DMRs must be signed and certified pursuant to the signatory requirements described in part VIII.G.2 (Signatory Requirements for Reports). The top two copies of each report must be submitted to the division. A copy of the DMR form should be retained for the permittee's files.

2. Storm Water Runoff Reporting Procedures

Monitoring results of storm water runoff monitoring shall be recorded annually and submitted annually using [Discharge Monitoring Report \(DMR\)](#) forms supplied by the division. The first DMR is due 15 days after the first complete year in the effective term of coverage under this permit. Remaining DMRs shall be postmarked no later than 15 days after the completion of the reporting period. DMRs must be signed and certified pursuant to the signatory requirements described in part VIII.G.2 (Signatory Requirements for Reports). The top two copies of each report must be submitted to the division. A copy of the DMR form should be retained for the permittee's files.

B. Where to Submit

Completed Discharge Monitoring Report (DMR) forms, and any communication regarding compliance with the conditions of this permit must be sent to:

<p>Tennessee Division of Water Pollution Control Enforcement and Compliance Section Attention: RMCP Compliance Review 6th Floor L & C Annex 401 Church Street Nashville, TN 37243-1534</p>

C. Additional Monitoring by Discharger

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculations and reporting of the values required in the Discharge Monitoring Report (DMR) form. Such increased frequency shall also be indicated in the "Frequency" column of the DMR.

VII. STORM WATER POLLUTION PREVENTION PLAN

The permittee shall develop, document and maintain a storm water pollution prevention plan (SWPPP), which shall contain at a minimum the following items. The plan shall be signed by one who meets signatory requirements of Paragraph VIII.G.2 (Signatory Requirements for Reports) of this permit.

- (a) A description of potential pollutant sources and the path(s) by which these pollutants may be carried by storm water to outfalls from the permittee's property. Essential elements are the following:
1. a site map indicating an outline of the drainage area of each storm water outfall; each existing structural control measure to reduce pollutants in storm water runoff; surface water bodies; and sinkholes;
 2. a narrative description of significant material, as defined at [40 CFR 122.26](#), that are currently or in the past have been treated, stored or disposed outside; method of on site storage or disposal; materials management practices used to minimize contact of these materials with storm water runoff for the past three years and presently; materials loading and access areas; the location and a description of existing structural and non-structural control measures to reduce pollutants in storm water runoff; and a description of any treatment the storm water receives;
 3. a list of significant spills and leaks of toxic or hazardous pollutants at the facility that have taken place at the facility within the last three years, as well as after the effective date of the permit;
 4. for each area of the facility that generates storm water discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an estimate of the types of pollutants which are likely to be present in storm water discharges associated with ready mixed concrete facility activity; and
 5. a record of available sampling data describing pollutants in storm water discharges.
- (b) Each facility covered by this permit shall develop and implement storm water management controls to minimize the discharge of pollutants and to maintain compliance with Paragraph IV above: Effluent Limits of this permit. These shall include the following minimum elements and activities:
1. A pollution prevention team with named individuals who will develop the storm water pollution prevention plan and assist the plant manager in it's implementation, maintenance, and revision.
 2. An inventory of the types of materials handled and associated potential of release to storm water. Each of the following shall be evaluated for the reasonable potential for contributing pollutants to runoff: loading and unloading operations, outdoor storage activities; outdoor manufacturing or process activities; significant dust or particulate generating processes; and on-site waste disposal practices. Factors to consider include the toxicity of chemicals; quantity of chemicals used, produced, or discharged; history of significant leaks or spills of toxic or hazardous pollutants.

3. A preventive maintenance program that includes regular inspection and maintenance of storm water management devices (e.g., cleaning grit chambers, catch basins) as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters.
4. Management practices and/or structural controls to minimize the amount of solids that could be washed out of process water treatment systems. Examples include berms around settling basins to prevent runoff from entering the basin and frequent cleaning of settling basins and cleaning prior to rainy seasons and rain events.
5. The permittee shall maintain a clean, orderly facility.
6. The permittee shall have spill prevention and response procedures. Areas where spills can occur, and their accompanying drainage points shall be identified clearly in the storm water pollution prevention plan. The plan shall specify material handling procedures and storage requirements. Procedures for cleaning up spills shall be identified in the plan and be made available to the responsible personnel. Responsible personnel must be available at all times when the facility is in operation. The necessary equipment to implement a clean up should be available to personnel.
7. The plan shall contain a narrative consideration of the appropriateness of traditional storm water management practices (practices other than those which control the source of pollutants). For example, grass swales, catch basins, infiltration devices, retention or detention basins, cisterns and water reuse.
8. The plan shall identify areas which, due to topography, activities, or other factors, have a high potential for soil erosion, and identify measures to limit erosion.
9. Employees at all levels of responsibility shall be trained in the components and goals of the storm water pollution prevention plan. A storm water pollution prevention plan shall identify periodic dates for such training.
10. Qualified personnel shall be identified to inspect designated equipment and facility areas. Material handling areas shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. A tracking or follow-up procedure should be used to ensure that adequate response and corrective actions have been taken in response to the inspection. Records of inspection shall be maintained.
11. A designated person named in the plan shall keep record of incidents such as spills or other discharges, along with other information describing the quality and quantity of storm water discharges. Inspections and maintenance activities shall be documented and recorded.
12. The plan shall contain a certification that the storm water has been tested for the presence of non-storm water discharges. The certification shall include a description of the results of any test for the presence of non-storm water discharges, the method used, the date of any testing, and the on-site drainage points that were directly observed during the test. Such certification may not be feasible if the facility operating the storm water discharge associated with the

operations of a ready mixed concrete facility does not have access to an outfall, manhole, or other point of access to the ultimate conduit which receives the discharge. In such cases, the source identification section of the storm water pollution plan shall indicate why certification required by this part was not feasible. A discharger that is unable to provide the certification required by this paragraph must notify the division within one year of the effective date (December 1, 2002) of this general permit of why adequate testing was not feasible.

- (c) Designated person(s) named in the plan shall inspect the facility at least semi-annually to check the accuracy of the plan, maps, and whether measures in the plan to reduce pollutants in storm water runoff are adequate and properly implemented or whether additional controls are needed. The facility shall maintain a record of when inspections are conducted, the findings of the inspections, and of any corrective actions taken. These records shall be retained as part of the storm water pollution prevention plan for three years.
- (d) Storm water management programs may reflect requirements for [Spill Prevention Control and Countermeasure](#) (SPCC) plans under section 311 of the CWA or Best Management Practices (BMP) Programs otherwise required by an NPDES permit and may incorporate any part of such plans into the storm water pollution prevention plan by reference.
- (e) The plan shall be reviewed and updated by the facility at least annually. The plan and all accompanying records, reports and changes shall be retained for at least three years after expiration of this permit. As a part of this plan review and update, the permittee shall certify that remote washout sites are in compliance with part I.D.4 of this permit.
- (f) The plan should be developed and implemented by existing facilities not later than one month following the issuance date (November 15, 2002) of this permit. In the case of new facilities, the plan should be developed and implemented not later than the first day of operations of the facility. Where construction of structural controls is specified, these should be installed as soon as possible according to the scope of the project. A schedule for such construction shall be included in the storm water pollution prevention plan.
- (g) The plan shall be maintained by the permittee on the site or at a nearby office. Copies of the plan shall be submitted to the division within ten working days (post marked) of a request.
- (h) The storm water pollution prevention plan shall be modified as required by the director of the Division of Water Pollution Control.
- (i) A storm water monitoring plan that conforms to the requirements set forth in Paragraph IV above: Effluent Limits of this permit. All outfalls that convey storm water associated with ready mixed concrete activity must be identified. Storm water sampling locations shall be chosen to describe the quality of industrial storm water discharged from the site. All outfalls shall be monitored, except where the permittee expects two or more outfalls to convey substantially similar storm water effluent, the permittee may monitor at a reduced number of outfalls. The permittee shall incorporate into the monitoring plan justification for the outfall sampling locations chosen. If the condition exists at a facility that storm water runoff enters a process water treatment system, then this combination of process and storm water shall be monitored at least once per year (for Chemical Oxygen Demand, Total Suspended Solids, Total Recoverable Iron and pH) during a representative storm event. The results shall be reported as described in subparagraph VI.A.2 above: Storm Water Runoff Reporting Procedures.

VIII. STANDARD PERMIT CONDITIONS

A. Duty to Comply

1. Permittee's Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the [Clean Water Act](#) (CWA) and/or the [Tennessee Water Quality Control Act](#) (TWQCA) is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

2. Penalties for Violations of Permit Conditions

Pursuant to [T.C.A. § 69-3-115](#) of The Tennessee Water Quality Control Act of 1977, as amended:

- a) any person who violates an effluent standard or limitation or a water quality standard established under this part ([T.C.A. § 69-3-101](#), et. seq.); violates the terms or conditions of this permit; fails to complete a filing requirement; fails to allow or perform an entry, inspection, monitoring or reporting requirement; violates a final determination or order of the board, panel or commissioner; or violates any other provision of this part or any rule or regulation promulgated by the board, is subject to a civil penalty of up to ten thousand dollars (\$10,000) per day for each day during which the act or omission continues or occurs;
- b) any person unlawfully polluting the waters of the state or violating or failing, neglecting, or refusing to comply with any of the provisions of this part ([T.C.A. § 69-3-101](#), et. seq.) commits a Class C misdemeanor. Each day upon which such violation occurs constitutes a separate offense;
- c) any person who willfully and knowingly falsifies any records, information, plans, specifications, or other data required by the board or the commissioner, or who willfully and knowingly pollutes the waters of the state, or willfully fails, neglects or refuses to comply with any of the provisions of this part ([T.C.A. § 69-3-101](#), et. seq.) commits a Class E felony and shall be punished by a fine of not more than twenty-five thousand dollars (\$25,000) or incarceration, or both.

Nothing in this permit shall be construed to relieve the discharger from civil or criminal penalties for noncompliance. Notwithstanding this permit, the discharger shall remain liable for any damages sustained by the State of Tennessee, including but not limited to fish kills and losses of aquatic life and/or wildlife, as a result of the discharge of treated wastewater to any surface or subsurface waters. Additionally, notwithstanding this permit, it shall be the responsibility of the discharger to conduct its wastewater treatment and/or discharge activities in a manner such that public or private nuisances or health hazards will not be created. Furthermore, nothing in this permit shall be construed to preclude the State of Tennessee from any legal action or relieve the discharger from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or the Federal Water Pollution Control Act.

B. Continuation of the Expired General Permit

This permit expires on November 14, 2007. The permittees may maintain coverage under the expired general permit (until a new general permit is issued) by re-submitting the completed NOI prior to the expiration date of this general permit. Permittees who choose, or are required, to obtain an individual permit must submit an application (Forms [1](#) and [2E](#) and any other [applicable forms](#)) at least 180 days prior to expiration of this general permit. Permittees who are eligible and choose to be covered by a new general permit must submit an NOI by the date specified in that permit.

C. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

E. Duty to Provide Information

The permittee shall furnish to the division, within a time specified by the division, any information that the division may request to determine compliance with this permit. The permittee shall also furnish to the division upon request, copies of records required to be kept by this permit.

F. Other Information

When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the NOI or in any other report to the division, he or she shall promptly submit such facts or information.

G. Signatory Requirements

All Notices of Intent (NOI), requests for termination of permit coverage, discharge monitoring report (DMR) forms, acute toxicity testing reports, certifications and/or any other information either submitted to the division, or that this permit requires be maintained by the permittee, shall be signed and dated.

1. Signatory Requirements for a Notice of Intent (NOI)

Notice of Intent (NOI) shall be signed as follows:

- a) For a corporation, by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
 - (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or

(ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

NOTE: The division does not require specific assignments or delegations of authority to responsible corporate officers. The division will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions rather than to specific individuals.

- b) For a partnership or sole proprietorship, by a general partner or the proprietor, respectively.
- c) For a municipality, State, Federal, or other public agency, by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
 - (i) The chief executive officer of the agency, or
 - (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

2. Signatory Requirements for Reports

All reports required by the permit and other information requested by the division shall be signed as follows:

All reports required by permits, and other information requested by the director shall be signed by a person described in Paragraph VIII.G.1 above (Signatory Requirements for a Notice of Intent), or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- a) The authorization is made in writing by a person described in Paragraph VIII.G.1 above (Signatory Requirements for a Notice of Intent);
- b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and,
- c) The written authorization is submitted to the director.

3. Changes to Authorization

If an authorization under Paragraph VIII.G above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Paragraph VIII.G.2 must be submitted to the director prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. Certification

Any person signing a document under Paragraph VIII.G above shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

H. Requiring an Individual Permit, an Alternative General Permit, or Other Corrective Action

1. Division of Water Pollution Control Designation

If the division has notified the owner or operator in writing before or after the filing of a Notice of Intent (NOI) that the facility’s discharges will cause or contribute to a violation of water quality standard or that coverage under this general permit is subject to being modified or revoked for any grounds under [T.C.A. § 69-3-108\(f\)](#), the discharger has the following options:

- (a.) Provide a demonstration to the division within 60 days of the notification that the discharge does not cause or contribute to a violation of water quality standard;
- (b.) Modify treatment methods and control measures at the facility to address the state’s concerns within 120 days of the notification; or
- (c.) Apply for coverage under other general permit (if available) or file an individual permit application within 180 days of the notification. Individual permit applications shall be submitted to the address shown in the list (see I.C above: List of the Division’s EACs with Addresses and Phone Numbers) for the division’s Environmental Assistance Center responsible for the county where the facility is located.

The permittee does not lose coverage under the general permit while exercising the above options. Although a permittee may exercise more than one of these three options, if the division does not approve the actions taken under (a) or (b), the permittee must comply with (c) within the stated time or an extension thereof granted by the division. If the owner or operator fails to submit in a timely manner an individual NPDES permit application as required by the division, the applicability of this permit to the individual NPDES permittee is automatically terminated at the end of the day specified for application submittal.

Any interested person may petition the division to take action under this paragraph.

2. Individual Permit Application

Any owner or operator authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. The owner or operator shall submit an individual application (Forms [1](#) and [2E](#) and any other [applicable forms](#)) with reasons supporting the request to the division. Individual permit applications shall be submitted to the address of the appropriate division's Environmental Assistance Center (see I.C above: List of the Division's EACs with Addresses and Phone Numbers). The request may be granted by the issuance of any individual permit or an alternative general permit if the reasons cited by the owner or operator are adequate to support the request.

3. Individual/Alternative General Permit Issuance

When an individual NPDES permit is issued to an owner or operator otherwise subject to this permit, or the owner or operator is authorized for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual NPDES permit is denied to an owner or operator otherwise subject to this permit, or the owner or operator is denied for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the division.

I. State/Environmental Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable Tennessee law or regulation under authority preserved by the [Section 510 of the Clean Water Act](#). No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

1. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under [Section 311 of the Clean Water Act \(CWA\)](#) or Section 106 of the [Comprehensive Environmental Response, Compensation and Liability Act of 1980 \(CERCLA\)](#). This permit does not relieve the person of the reporting requirements for releases in excess of reportable quantities as described in [40 CFR Part 117](#) and [40 CFR Part 302](#).

2. Property Rights

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

3. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

J. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related equipment) that are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit.

K. Monitoring and Records

1. Representative Samples/Measurements

Samples and measurements taken in compliance with the monitoring requirements specified above shall be representative of the volume and nature of the discharges of process wastewater associated with the operation of ready mixed concrete facilities. The samples and measurements shall be taken after treatment of the process wastewater and prior to mixing with storm water runoff or discharge to the receiving stream.

2. Retention of Records

The permittee shall retain records of all monitoring information, copies of all reports required by this permit, and records of all data used to complete the application of this permit for a period of at least three (3) years from the date of sample, measurement, evaluation or inspection, report, or application. This period may be extended by request of the division at any time. Permittees must submit any such records to the division upon request.

3. Records Contents

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a) The date, exact place, and time of sampling or measurements;
- b) The initials or name(s) of the individual(s) who performed the sampling or measurements;
- c) The date(s) analyses were performed;
- d) The time(s) analyses were initiated;
- e) The initials or name(s) of the individual(s) who performed the analyses;
- f) References and written procedures, when available, for the analytical techniques or methods used; and
- g) The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.

4. Approved Monitoring Methods

Test procedures for the analysis of parameters shall conform to the regulations published pursuant to [Section 304\(h\) of the Clean Water Act](#), as amended. Unless otherwise noted elsewhere in the permit, all pollutant parameters shall be determined according to methods prescribed in [Title 40, CFR, Part 136](#), as amended, promulgated pursuant to [Section 304 \(h\) of the Act](#).

5. Penalties for Falsification of Reports

[Section 69-3-115](#) of the Tennessee Water Quality Control Act and in [Section 309 of the Federal Water Pollution Control Act](#) provide that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than two years, or by both.

L. Inspection and Entry

The permittee shall allow the division or an authorized representative of the division, or, in the case of a facility that discharges through a municipal separate storm sewer, an authorized representative of the municipal operator or the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to: enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit; have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and inspect at reasonable times any facilities or equipment (including monitoring and control equipment).

M. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

N. Bypass of Treatment Facility

1. Notice

a) **Anticipated Bypass.** If a permittee subject to the numeric effluent limitations of Part IV above of this permit knows in advance of the need for a bypass, he or she shall submit prior notice, if possible, at least 10 days before the date of the bypass; including an evaluation of the anticipated quality and effect of the bypass.

b) **Unanticipated Bypass.** The permittee subject to the numeric effluent limitations of Part IV above of this permit shall submit notice of an unanticipated bypass. Any information regarding the unanticipated bypass shall be provided orally within 24 hours from the time the permittee became aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee became aware of the circumstances. The written submission shall contain a description of the bypass and its cause; the period of the bypass; including exact dates and times, and if the bypass has not been

corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

2. Prohibition of Bypass

Bypass is prohibited and the division may take enforcement action against a permittee for a bypass, unless:

- 1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- 2) There were no feasible alternatives to the bypass, such as the use of auxiliary facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee should, in the exercise of reasonable engineering judgment, have installed adequate backup equipment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
- 3) The permittee notified the division in accordance with Paragraph VIII.N.1 above: Notice.

The division may approve an anticipated bypass after considering its adverse effects, if the division determines that it will meet the three conditions listed in Paragraph VIII.N.2 above: Prohibition of Bypass.

O. Upset Conditions

1. Affirmative Defense

An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based numeric effluent limitations in Part IV above this permit if the requirements of Paragraph 2 below are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

2. Required Defense

A permittee who wishes to establish the affirmative defense of an upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

- a) An upset occurred and that the permittee can identify the specific cause(s) of the upset;
- b) The permitted facility was at the time being properly operated; and
- c) The permittee provided oral notice of the upset to the division within 24 hours from the time the permittee became aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee became aware of the circumstances. The written submission shall contain a description of the upset and its cause; the period of the upset; including exact dates and times, and if the upset has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the upset.

3. Burden of Proof

In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

P. Placement of signs

Within sixty (60) days of obtaining a notice of coverage under this general permit, the permittee shall place and maintain a sign at each process wastewater discharge outfall. The sign(s) should be clearly visible to the public from the bank and the receiving stream or from the nearest public property/right-of-way, if applicable. The minimum sign size should be two feet by two feet (2'x2') with one inch (1") letters. The sign should be made of durable material and have a white background with black letters.

The sign(s) are to provide notice to the public as to the nature of the discharge and, in the case of the permitted outfalls, that the discharge is regulated by the Tennessee Department of Environment and Conservation, Division of Water Pollution Control. The following is given as an example of the minimal amount of information that must be included on the sign:

<p>PROCESS WASTEWATER DISCHARGE (PERMITTEE'S NAME) (PERMITTEE'S PHONE NUMBER) NPDES PERMIT TRACKING # TNG83_____ TENNESSEE DIVISION OF WATER POLLUTION CONTROL 1-888-891-8332 ENVIRONMENTAL ASSISTANCE CENTER – (EAC NAME)</p>
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IX. REOPENER CLAUSE

A. Potential or Realized Impacts on Water Quality

If there is evidence indicating potential or realized impacts on water quality or on a listed endangered species due to any effluent discharge covered by this permit, the owner or operator of such discharge may be required to obtain an individual permit or an alternative general permit in accordance with Paragraph VIII.H above: Requiring an Individual Permit, an Alternative General Permit, or Other Corrective Action or the permit may be modified to include different limitations and/or requirements.

B. Applicable Regulations

Permit modification or revocation will be conducted according to [40 CFR 122.62, 122.63, 122.64, and 124.5](#).

X. TERMINATION OF COVERAGE

A. Notice of Termination

A permittee shall request termination of coverage under this permit if and when discharges of process wastewater associated with the operation of ready mixed concrete facilities and/or storm water runoff to

the surface waters of the State have been eliminated. The permittee must submit facts in support of the notice, which shall be signed in accordance with Paragraph VIII.G above: Signatory Requirements of this permit. The division retains the right to deny termination of coverage under this general permit upon receipt of the necessary notice and information from the permittee. If discharges have ceased but coverage under the general permit is still in effect because the permittee has not requested termination of permit coverage, the permittee will continue to be responsible for annual permit maintenance fees billed according to [Chapter 1200-4-11 – Environmental Protection Fund Fees](#). The written notice of termination shall include the following information:

Facility Information: Name, mailing address, and location of the facility for which the notice is submitted;

Operator Information: The name, address, and telephone number of the operator addressed by the notice;

Permit Number: The NPDES permit tracking number for the facility discharging storm water runoff and process wastewater associated with the operation of ready mixed concrete facilities as identified by the notice;

Reason for Termination: An indication of whether the discharges of storm water runoff and process wastewater associated with the operation of ready mixed concrete facilities have been eliminated or the operator of the discharges has changed; and

Certification: The following certification signed in accordance with VIII.G above: Signatory Requirements of this permit:

“I certify under penalty of law that all discharges of storm water runoff and process wastewater associated with the operation of ready mixed concrete plant from the identified facility that are authorized by an NPDES general permit have been eliminated or that I am no longer the operator of the industrial activity. I understand that by submitting this notice of termination, that I am no longer authorized to discharge storm water runoff and process wastewater associated with the operation of ready mixed concrete plant under this general permit, and that discharging pollutants in storm water runoff and process wastewater associated with the operation of ready mixed concrete plant to waters of the state is unlawful under the Clean Water Act where the discharge is not authorized by an NPDES permit. I also understand that the submittal of this notice of termination does not release an operator from liability for any violations of this permit or the Clean Water Act.”

B. Where to Submit

All written notices of termination shall be submitted to the address shown in the list (see I.C above: List of the Division’s EACs with Addresses and Phone Numbers) for the division’s Environmental Assistance Center responsible for the county where the facility is located.

C. Electronic Submission of Notice of Termination

If the division notifies dischargers (directly by mail or E-mail, by public notice, or by making information available on the Internet) of other Notice of Termination options that become available at a later date (e.g., electronic submission of forms or letters), the permittees may take advantage of those options to satisfy the notice of termination notification requirements.

XI. DEFINITIONS

BEST MANAGEMENT PRACTICES (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs can also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

BYPASS means the intentional diversion of waste streams from any portion of a treatment facility.

CALENDAR DAY, for the purpose of this permit, is defined as any 24-hour period.

COMPOSITE SAMPLE, for the purpose of this permit, shall consist of three or more grab samples (see definition below) of equal volume taken at time intervals to help insure that the sample collected accurately represents the contents of the discharge from the facility.

CWA means [Clean Water Act](#) (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972).

DAILY MAXIMUM CONCENTRATION is a limitation on the average concentration, in milligrams per liter, of the discharge during any calendar day. When a proportional-to-flow composite sampling device is used, the daily concentration is the concentration of that 24 hour composite; when other sampling means are used, the daily concentration is the arithmetic mean of the concentrations of equal volume samples collected during any calendar day or sampling period.

DIRECTOR means the director of the Tennessee Division of Water Pollution Control, or an authorized representative.

GRAB SAMPLE (PROCESS WASTEWATER), for the purpose of this permit, is defined as a single effluent sample of at least 100 milliliters collected at a randomly-selected time over a period not exceeding 15 minutes. The sample(s) shall be collected at the period(s) most representative of the total discharge.

GRAB SAMPLE (STORM WATER RUNOFF), for the purpose of this permit, is a single storm water runoff sample of at least 100 milliliters collected at a randomly-selected time over a period not exceeding 15 minutes, collected within the first 30 minutes (or as soon thereafter as practical, but not to exceed 1 hour) of when the runoff or snowmelt begins discharging. The sample shall be collected at the period most representative of the total discharge, recognizing that a "first flush" sample would be the most accurate representation for various pollutants in the storm water runoff.

HIGH QUALITY WATERS are surface waters of the State of Tennessee that satisfy characteristics of high quality waters as listed in [Rule 1200-4-3-06](#) of the official compilation - rules and regulations of the State of Tennessee. Characteristics include waters designated by the Water Quality Control Board as Outstanding National Resource Waters (ONRW); waters that provide habitat for ecologically significant populations of certain aquatic or semi-aquatic plants or animals; waters that provide specialized recreational opportunities; waters that possess outstanding scenic or geologic values; or waters where existing conditions are better than water quality standards. High quality waters are sometimes referred to as Tier II or Tier III (ONRW) waters.

[IMPAIRED WATERS](#) means any segment of surface waters that has been identified by the division as failing to support classified uses. The Division periodically compiles a list of such waters known as the 303(d) List. The Division will notify applicants and permittees if there discharge is into, or is affecting, impaired waters.

LOAD ALLOCATION (LA): The portion of a receiving water's loading capacity that is attributed either to one of its existing or future nonpoint sources of pollution or to natural background ([40 CFR 130.2\(g\)](#)).

MARGIN OF SAFETY (MOS): The "MOS" accounts for uncertainty in the loading calculation. The MOS may not be the same for different waterbodies due to differences in the availability and strength of data used in the calculations.

MONTHLY AVERAGE CONCENTRATION, a value of the discharge concentration, in milligrams per liter (mg/L), calculated as the arithmetic mean of all daily concentrations determined in a one-month period.

NEW SOURCE means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced: (i) after promulgation of standards of performance under section 306 of the [Clean Water Act](#) (CWA) which are applicable to such source; or (ii) after proposal of standards of performance in accordance with section 306 of CWA which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal.

NONPOINT SOURCE is essentially any source of pollutant(s) that is not a point source. Examples are sheet flow from pastures and runoff from paved areas.

POINT SOURCE means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

SIGNIFICANT SPILLS includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under Section 311 of the [Clean Water Act](#) (see [40 CFR 110.10](#) and [CFR 117.21](#)) or Section 102 of CERCLA (see [40 CFR 302.4](#)).

FACILITY, for the purpose of this permit, shall mean the location at which the ground water remediation will take place.

STORM WATER means contaminated or uncontaminated storm water runoff, snow melt runoff, and surface runoff and drainage.

TMDL (Total Maximum Daily Load) is the sum of the individual wasteload allocations for point sources and load allocations for nonpoint sources and natural background ([40 CFR 130.2\(I\)](#)). TMDL is a study that: 1. quantifies the amount of a pollutant in a stream, 2. identifies the sources of the pollutant, 3. and recommends regulatory or other actions that may need to be taken in order for the stream to no longer be polluted. Following are actions that might be recommended: Re-allocate limits on the sources of pollutants documented as impacting streams. It might be necessary to lower the amount of pollutants being discharged under NPDES permits or to require the installation of other control measures, if necessary, to insure that standards will be met. For sources the division does not have regulatory authority over, such as ordinary non-pointsource agricultural and forestry activities, provide information and technical assistance to other state and federal agencies that work directly with these groups to install appropriate Best Management Practices. Even for the impacted streams found on the 303(d) List, TMDL development is not considered appropriate for all bodies of water: if enforcement has already been taken and a compliance schedule has been developed; or if best management practices have already been installed for non-regulated activities, the TMDL is considered not applicable. In causes involving pollution sources in other states, the recommendation may be that another state or EPA perform the TMDL analysis. TMDLs can be described by the following equation:

$$\text{TMDL} = \text{sum of non-point sources (LA)} + \text{sum of point sources (WLA)} + \text{margin of safety}$$

UPSET means an exceptional incident in which there is unintentional and temporary noncompliance with the numeric effluent limitations as described in Paragraph IV above (Effluent Limit) of this permit because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

WASTELOAD ALLOCATION (WLA): The portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources of pollution. WLAs constitute the type of water quality-based effluent limitation. ([40 CFR 130.2\(h\)](#)).

WATER QUALITY-LIMITED SEGMENTS: Those water segments that do not or are not expected to meet applicable water quality standards even after the application of technology-based effluent limitations required by sections 301(b) and 306 of the Act. ([40 CFR 130.2\(j\)](#)) Technology-based controls include, but are not limited to, best practicable control technology currently available (BPT) and secondary treatment.

WATERS OF THE STATE or simply WATERS is defined in the [Tennessee Water Quality Control Act](#) and means any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through or border upon Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine to effect a junction with natural surface or underground waters.



DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER POLLUTION CONTROL

NOTICE OF INTENT (NOI)
for process wastewater and storm water runoff associated with
READY MIXED CONCRETE FACILITIES

Facility Name:	County:	
Street Address or Location:	Latitude:	
	Longitude:	
<p>▪ All entries must be in ink. ▪ Attach a copy of U.S.G.S. topographical map, a city map, or a county map, identifying the location of this facility. ▪ This NOI must be signed by a responsible corporate officer for a corporation, a general partner for a partnership, the proprietor for a sole proprietorship, or a principal executive officer or ranking elected official for a public agency. ▪ If this NOI is submitted because of new operator or to update facility information (such as name of facility, new official contact person name, new E-mail address, etc.), provide the existing permit tracking number:</p>		

Owner or Operator: (the person or legal entity which controls facility's operation; this may or may not be the same as the facility name or the official contact name)

1	Official Contact Person Name: (individual responsible for a facility)	Title or Position:		
	Mailing Address:	City:	State:	Zip:
	Phone: ()	E-mail:		

2	Local Contact Person Name: (if appropriate, write "same as #1")	Title or Position:		
	Facility Address: (this may or may not be the same as street address)	Facility City:	State: TN	Zip:
	Phone: ()	E-mail:		

Write in the box (to the right) or circle the number (above) to indicate where to send correspondence:

Indicate the type and number of discharges for which you are seeking permit coverage. For each outfall, provide receiving stream name and stream mile. Provide description (type of system, capacity, etc.) of the treatment systems used, if any, for: process waste water, storm water and reclaim/recycle system. Indicate if storm water runoff is mixed with process water in the treatment unit. Attach additional pages if necessary.

Process waste water Number of outfalls _____
 Storm water runoff Number of outfalls _____
 No discharge (Reclaim/recycle system)

Reclaim/recycle system for:

process waste water
 storm water runoff

Give location(s) of any regularly used truck washout sites (other than the plant site itself or an active job site). Note that the property must be privately owned and the written permission from the owner to wash out on his property must be obtained. Attach additional pages if necessary.

CERTIFICATION AND SIGNATURE

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Printed Name	Official Title	Signature	Date
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STATE USE ONLY

Received Date	High Quality Water	T & E Aquatic Fauna	Tracking No.	EAC
Impaired Receiving Stream			NOC Date	Reviewer

Submit the original completed and signed form to:
RMCP NOI Processing
Division of Water Pollution Control
6th Floor L&C Annex, 401 Church Street
Nashville, TN 37243-1534